

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

ALASKA FEDERATION OF)
NATIVES, ET AL,)
Plaintiff,)
v.)
GOVERNOR MICHAEL J. DUNLEAVY)
in his official capacity, THE STATE OF)
ALASKA, OFFICE OF MANAGEMENT)
AND BUDGET, and THE STATE OF)
ALASKA, DEPARTMENT OF)
ADMINISTRATION)
Defendant.)

Case No. 3AN-21-06737CI

Order for Supplemental Briefing

Having considered the parties' briefs and arguments, the court has determined that its consideration whether the Power Cost Equalization Endowment Fund contains "money in the general fund available for appropriation at the end of each succeeding fiscal year" within the meaning of article IX, section 17(d) of the Alaska Constitution would benefit from briefing regarding the following question:

Assuming Defendants' definition of "general fund" set forth at p. 26 of their *Opposition and Cross-Motion for Summary Judgment* ("all state money except the constitutionally-created funds") is correct, is the characterization of money contained in the Power Cost Equalization Endowment Fund as "in the general fund" affected by whether it was appropriated to the fund from the CBR pursuant to article IX, section 17(d)¹ or appropriated from the general fund pursuant the normal appropriation process?²

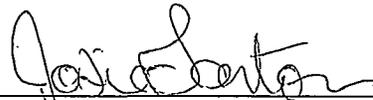
¹ Eg. Ch. 133, § 18, SLA 2000 (appropriating \$100,000,000 to the PCE Endowment Fund).

² Eg. Ch. 82, § 20(j) SLA 2006 (appropriating \$182,000,000 from the general fund to the PCE Endowment Fund).

Accordingly, it is ORDERED:

Both parties SHALL file supplemental briefs responsive to that question no later than 12 p.m. August 9, 2021. Parties SHALL file a courtesy copy in chambers.

DONE this 6th day of August 2021, at Anchorage, Alaska.



Josie Garton
Superior Court Judge

I certify that on 8/6/2021
a copy of the above was emailed to
each of the following at their
addresses of record:

Jahna Lindemuth
John Andrew Leman
Erik Groves
Scott Kendall
Samuel Gottstein
Margaret Paton-Walsh
Katherine Demarest

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